

Theological MS.

AN
E S S A Y
ON
INTELLECTUAL LIBERTY.

ADDRESSED TO THE
Rev. Mr. DAVID WILLIAMS.

OCCASIONED BY HIS CHARGES

In a Letter to

Sir GEORGE SAVILE, Bart.

SUBMITTED TO THE CONSIDERATION OF THE
LEGISLATURE, AND TO ALL FREE EN-
QUIRERS INTO PHILOSOPHICAL,
POLITICAL, AND MORAL
TRUTHS,

PARTICULARLY AMONG

THE DISSENTERS AND PAPISTS,
RESPECTING AN UNIVERSAL TOLERATION.

By M. DAWES, of the Inner Temple, Esq;

LONDON:
PRINTED FOR T. CADELL, IN THE STRAND.
MDCCLXXX.



T O
ROBERT PIGOTT,
O F
CHESTERTON, Esq.

S I R,

UNLIKE an author of undoubted reputation in the republic of letters, who selects a public character to patronize his writings, I have sought, in the shades of retirement, for a liberal intelligent and private one, to whom I venture (without permission) to inscribe a few considerations on the subject of Intellectual Liberty.

In this I feel a pride and a pleasure, being persuaded that there is no man whose known goodness, would give my presumption a more flattering hope of a pardon.

Your

DEDICATION.

Your experience of mankind (while, perhaps, in the general career of your life it has exposed you to the remarks of idle, insignificant men) may have disgusted you against that part of the world which rapaciously seeks to establish its welfare on the ruin and misery of the other; but in the contemplative pause between that experience, and your reflections on human nature (which has and ever will be the same). I know that your philosophy will prevail, and induce you to pity rather than condemn the short lived folly, vanity, and iniquity of MAN, who too often traverses the world like the devil (as described by Milton) in search of whom and what he can devour.

However the conduct of some men, who have fallen within your acquaintance, may have rendered them contemptible, and have subjected you to their ingratitude and impertinence, there are men of sense and discernment, who have unquestionable proofs of your good understanding, and
that

DEDICATION.

that you have bidden conviviality defiance
to obscure it.

Trusting therefore in that understanding
and your natural benevolence, I have the
honour to present you the following essay,
(although written in the form of a letter)
and without detaining you longer, lest you
suspect me of adulation, to assure you that
my ambition will be highly gratified if I
am fortunate enough to give any satisfaction
to you and those other candid
enquirers after truth, who may be tempted
to favour me with a perusal.

I am, thus publickly and sincerely,

Your most humble and

obedient servant,

M. D A W E S.

E R R A T A.

Page 9, line 7, for previously injurious, read *useful* or injurious. Page 12, line 10, for *terrence*, read *terrence*. Page 16, line 1, for *lead*, read *led*. Page 21, line 22, for legislature *bas*, read *have*. Page 38, line 25, for legislature *bas*, read *have*. Page 38, line 27, for legislature *bas*, read *have*. Page 49, line 1, for *lead*, read *led*. Page 53, note 1, for *unalterable*, read *unalienable*. Page 67, line 13, for *lead*, read *led*. Page 78, line 10, for reasoned from *reason*, read *truth*.

T O T H E

Rev. Mr. David Williams.

S I R,

THE pleasure I have had in reading your sentiments *in general* on intellectual liberty, makes me anxious to reason with you *on particular* passages, which you have written on that subject. As a philosopher I think you will permit me to do this. I do not, however, expect to be so successful in the argument as to shake your opinion; but if I oppose, even speciously, any of your assertions, I hope you will think it no loss of time to attend to me; because your attention will possibly give me improvement.

Having deliberately turned over the first twenty pages of your essay, the contents of which I in general approve, I have paused at that part of it where you charge Sir George Saville (the gentleman to whom you address yourself) with "dashing to atoms with one

B

when

when in the House of Commons he said on the last dissenting bill, first, "*that opinions must be free, and actions only should be limited*;" secondly, "*that there were some opinions and thoughts which could not be tolerated*," instancing those of *a right to murder or plunder*. *

Thoughts and opinions (as you remark) are not objects of toleration, because no restraints can be applied to them, and the idea of the contrary is so ridiculous, that I am unwilling to conclude that Sir George Savile meant any thing like it; I rather think that in saying "*there are some opinions and thoughts which cannot be tolerated*," he meant only in their public declaration and avowal.

You say that all men should be at liberty to declare all their opinions and thoughts, and that every act which restrains that liberty is tyrannical and injurious to a state which is instituted for public happiness. If we were sure that such a liberty would not produce evils, which the laws of man and public liberty have forbidden, your assertion in this particular might be true; but if the exertion of that liberty,

* See Mr. Williams's letter to Sir George Savile, published by Almon, page 21, 22.

(which

upon an obedience to them. Under a government of laws, the motto of a good citizen is to obey punctually, to censure freely.— If evils had never existed there would have been no necessity for society or laws, which in themselves *imply an avowal of evil* in the community, against which the penalties of those laws are directed as a terror, and certainly evils in action were previously evils in

deter us from committing the evil they recite as injurious, the committing it in defiance of such penalties merits their punishment ; and in this sense only can the laws, when they have failed in preventing evils, be said to punish them. To say positively that laws are made to punish evils, would be untrue : it would be saying, that evils must be committed before the law to punish them exists ; we should then be punished for actions (though injurious) against which no law was established before they were committed. The real force of laws is to prevent and prohibit, not to punish actions ; for they endeavour, by their terrors, to anticipate the infliction of punishment, in preventing the actions to which punishment is annexed. A convicted felon at the bar of the late judge Burnet, said, “ It is very hard to hang a poor man for stealing a horse.”—You are not to be hanged (replied the judge to the felon) for stealing a horse, but you are to be hanged that horses *may not be stolen*. Hence, writers on crimes and punishments have held, that the severity only of the laws in their execution will answer the great purpose of social welfare by preventing evils.—By making men sensible that evils, when committed, will not escape the punishment the laws denounce for their prevention, they may be more cautious of offending, and offences may lessen in number and quality.

opinion; an opinion *avowed* may be harmless, but when *taught* it may produce evils which the wisdom of the laws from experience studies to prevent. Government in attending to *actions*, which you allow must be limited, should attend to opinions, when publicly *avowed*, and the laws endeavour to anticipate the business of the magistrate, in the intent that the terror of their pains shall leave him nothing to do. It is time enough to study guards of safety, when we see the prospect of danger, of which we can only judge from outward actions. The laws have prescribed no punishment for the *declaration* of opinions, and the magistrate is sufficiently prepared for the effects of any, when *actions* correspond with them; it is rather the *discouragement* of publishing opinions, than an *encouragement* which the magistrate (if at all) should interfere in; but his business is neither one nor the other, *ita lex scripta est*—The law is known by every man in a free state, because he is a party to it. If a man break it, it is at peril, and the magistrate can only by his commission administer justice according to law. He has nothing to do with opinions: his encouragement of any would be extrajudicial: he would then walk out of his commission impertinently, and to no purpose;
for

for supposing he encourage the avowal of *an opinion* that it is right to *rob or murder*, he could apply no punishment to that avowal. In the case of treason or either of the foregoing crimes, if he suspected *an intention to commit the one, or the other*, or both, to be lurking in the mind of a man, it would be right to encourage the *declaration* of that intention, *not* for the sake of preparing a punishment for the act (if the object of that declaration should be put in action) because the bare *declaration* is not punishable without some *over act*; but to bring an evil-disposed mind to a proper tone, and to harmonise it against the probable effects of such intention. To tolerate a public *declaration of all* opinions in favour of *murder, plunder, theft*, or other pernicious actions, would be cruel. It would be shewing an acquiescence, until they were carried into execution, and then making a prey of those who entertained them, by giving them up to the secular power.

I here make a distinction between the magistrate and the legislator, which is a necessary one: a legislator is the maker of laws: the magistrate is the expounder of them; as an expositor, his duty is to declare what the laws are, and to enforce them when called
upon

upon for that purpose. Between these two characters may be ranked the character of a censor, whose province it is to distinguish to us what he thinks the law ought to be. The expositor and censor are two characters, which every man on the subject of law may be said to assume. The former is employed in an enquiry after facts; the latter in discussing reasons. It is this latter character you appear to mistake for the magistrate, when you say "it is the duty of the magistrate to encourage the declaration of opinions." The censor holds some intercourse with our affections; the expositor is concerned only with our apprehensions, our memory, and our judgment. Law differs in different countries, while that which ought to be law *is* in all countries to a degree *the same*. Thus the expositor is the citizen of a particular country, while the censor is, or ought to be the citizen of the world. It is the expositor's business to shew what the legislature has done; the censor's what the legislature ought to do in future: in other words, the censor is to *teach* that science which the legislature *practices*; and such a character you must mean when you hazarded the name of magistrate or judge, who is no other than the legislature's under-workman.

Every

Every individual being in a manner a censor, he has it in his power to communicate to the legislature whatever he thinks ought to be done by legislation. In a free state an individual being a legislator, the character of censor is inherent in him, and leaving the magistrate or expositor to his duty of explaining what the law is, he studies, or may study, if he please, what it ought to be. You may say that every man is no man, and that therefore there ought to be a specific character of censor in the community. The legislature itself composes that character, and though not for the purpose of encouraging all opinions with a view to restrain or toleration, most certainly for the promotion by all possible means of the welfare of society in enquiring into, and discussing reasons for new regulations. Those persons who teach murder or robbery, conscious of the evil of committing the action of either, consequently conceal it until opportunity serve for its perpetration, and we cannot suppose that they teach this doctrine publicly, while sensible of the severity of the laws against the commission of what they teach.

Were there no laws in being, and civil society in its infancy, all opinions should be encouraged and publicly avowed, in order
that

that the sovereignty or legislature, should know what actions to prohibit, and what to encourage, but in a civilized state where the most wholesome laws are diffused, and where no law exists but in necessity, founded in experience, that the object it is meant to promote or prohibit was previously injurious, it is otherwise. Instead of pursuing the human mind through all its meanders to discover what it *would avow*, the moment too soon arrives when from *the actions* of mankind, it is expedient to controul them by the sovereign restraints of law.

States * therefore do not tolerate the *avowal* of opinions that men may *murder or rob*.

* A state is a community or collective body of individuals, and is (as you say) analogous to an individual. This body of individuals unite for their safety and advantage; a state acts as one individual—it ought therefore to act with one will; but as states are made up of many *natural persons*, each of whom has his *particular* will, their several wills cannot be united by a *natural* union for producing one *uniform* will. The union of states is political; all persons therein submitting their private wills to the will of one man, or assembly of men, to whom the supreme authority is entrusted, and such will, according to its different constitutions, in different states, is understood to be law.

C

They

Every individual being in a manner a censor, he has it in his power to communicate to the legislature whatever he thinks ought to be done by legislation. In a free state an individual being a legislator, the character of censor is inherent in him, and leaving the magistrate or expositor to his duty of explaining what the law is, he studies, or may study, if he please, what it ought to be. You may say that every man is no man, and that therefore there ought to be a specific character of censor in the community. The legislature itself composes that character, and though not for the purpose of encouraging all opinions with a view to restrain or toleration, most certainly for the promotion by all possible means of the welfare of society in enquiring into, and discussing reasons for new regulations. Those persons who teach murder or robbery, conscious of the evil of committing the action of either, consequently conceal it until opportunity serve for its perpetration, and we cannot suppose that they teach this doctrine publickly, while sensible of the severity of the laws against the commission of what they teach.

Were there no laws in being, and civil society in its infancy, all opinions should be encouraged and publickly avowed, in order
that

that the sovereignty or legislature, should know what actions to prohibit, and what to encourage, but in a civilized state where the most wholesome laws are diffused, and where no law exists but in necessity, founded in experience, that the object it is meant to promote or prohibit was previously injurious, it is otherwise. Instead of pursuing the human mind through all its meanders to discover what it *would avow*, the moment too soon arrives when from *the actions* of mankind, it is expedient to controul them by the sovereign restraints of law.

States * therefore do not tolerate the *avowal* of opinions that men may *murder or rob*.

* A state is a community or collective body of individuals, and is (as you say) analogous to an individual. This body of individuals unite for their safety and advantage; a state acts as one individual—it ought therefore to act with one will; but as states are made up of many *natural persons*, each of whom has his *particular* will, their several wills cannot be united by a *natural* union for producing one *uniform* will. The union of states is political; all persons therein submitting their private wills to the will of one man, or assembly of men, to whom the supreme authority is entrusted, and such will, according to its different constitutions, in different states, is understood to be law.

C

They

They only suppose from experience that those crimes may be committed, in the same manner as we conclude that like effects are produced by like causes, and though human infirmity may be pleaded as the reason, it is the public happiness of states, which makes it necessary to dispense with the sacrifice of moral criminals, who become victims to the laws for the welfare of society. To *tolerate* the avowal of such opinions would be to *allow and approve them*. States only *suffer* them to be avowed, because they cannot punish their avowal. If we could controul opinions, which none but the searcher of hearts can do, no opinion would produce *bad actions*; the effect of *all* opinions would then be lost in the cause, and we should no more think than we should act amiss. *

When you say, in page 31, that you *do not see* why thieves should not be allowed to preach the principles of theft, murderers of murder, seducers of seduction, adulterers of adultery, and traitors of treason: *you open*

* I purposely avoid enquiring into the ultimate cause of our actions, and I leave the research of a metaphysician for that of the citizen and philosopher of the world.

your

your eyes, by continuing in the same paragraph to say, that if any man be so weak as to think that advantages would arise to *iniquity* from it, he cannot be benefited by any reasoning which can be offered him; for by supposing the pre-existence of iniquity, and the man to be weak, who would think *that* advantages would arise to it, by teaching what the legislature have constituted iniquitous, you condemn the *avowal* of the principles which produce it, by inferring that no man in his senses would approve them; from whence I conclude, that the constituted iniquity consequential to them in a public sense, sufficiently justifies Sir George Savile in saying, *that there are some opinions and thoughts which cannot be encouraged*, or tolerated to be publicly declared and taught.

Right and wrong are factitious. It is the greatest happiness of the greatest number that is their measure. They exist in nothing positive but in the consequence of things, and objects acquire these qualities from the constitution of the mind which surveys them. If we confine our actions to ourselves they are all right; but as right, like beauty, consists in the contemplation of the mind, it will vary in its degree according to that con-

templation. To a variance therefore of the contemplation in different minds that murder or rapine, may or may not be criminal or wrong, it has been necessary to prescribe prohibitions against them, because life would else depend on the passion of another, liberty on the power of the strongest, and property on the will of those who may think fit to deprive us of it. In the first state of things men were tenants in common of this terrence world. There was no distinction of parts of it, mankind seperately held it by occupancy, which gave the only exclusive title to a particular part, but that tenure ceased on death, and the part tenanted became again common, as indeed it did before when the tenant thought proper to desert his possession; this is a state of nature too rheoretic for us at this day to form any fixed idea of; we have reason to imagine that a state so wild and unconnected could be no other than a state of warfare and desperation, in which nothing being marked with the prohibitory name of *wrong*, or the mandatory title of *right*, every thing was proper, because controuled by nothing but the distinct *will* of men supported by *force*, which affords an idea that man was originally a ferocious being, and that it was not the general fears of men that promoted
society

society but their general weakness. In such a state there being *no* laws but what men prescribed to themselves individually, every thing was *right* (that is to say) right and wrong were not marked out nor property defined or known to be exclusive. Permanent property, right and wrong, are the offspring of society, which refined the wisdom of human nature ; society first distinguished between *mine* and *thine* ; it discovered crimes, and raised a temple of virtue on the foundation of morals ; it pointed out a god, and custom made those things naturally *good* or *bad*, which were esteemed morally and politically such ; in as much that however prevalent the passion might be for a bad act, the commission of it brought men to a sense of the wrong. Whatever natural rights men enjoyed in a state of nature, they are preserved in all our civil rights : the defunction of the former was consequential to the birth of the latter, and they found a resurrection by refinement in the regulations of society, which limited the natural liberty of our will, by restraining us from actions which would be injurious to its members. In a state of nature all actions and thoughts being right, intellectual liberty consisted in thinking and acting as men *pleased* ; iniquity was unmarked and

un-

unknown; nothing was criminal: but in society the pleasure, safety, and protection of men, obliged them to establish legislatures, and to forbid whatever interrupted or affected that pleasure, safety, and protection. Intellectual liberty was confined to an obedience of the laws, and men ceased to think it proper to act or teach those things which the laws prohibited, not because they thought no advantage would arise to *iniquity* from it, but because *society had constituted those things iniquitous*.

To protect ourselves against the ill effects of opinion (the source of action) in a state of nature we formed societies. If they did not establish rules * of action to us, they would be greater evils than those intended to be destroyed by them. These rules are founded in experience, and always recite the evil they are made to prevent. Thoughts and opinions when *publicly professed*, may be a *means to evil*, but they are *not* evils in themselves; when disseminated by *toleration*, they may produce ills; but it is not before the evil be committed that the author is punishable. The evil may lead us to examine the

* See Blackstone on the nature of laws.

motive to it, and finding the cause, it is necessary to provide against the like effect in future by prescribing a punishment as a terror to prevent it.

You will observe that I have only murder and plunder in view, and not “mathematical truths.” No man of science would be alarmed at any number of persons, who should preach against the latter, because there would be no *iniquity* in it, nor could it possibly produce any harm, but can this be said of those who preach in favour of the former ?

Though I may seem to differ with you in some of your deductions, I think that *all* men are at liberty to declare *all* their opinions and thoughts whatsoever, but not to deal them out publicly as lessons to one another in the case of robbery, murder, or perjury, because although these acts may not in themselves be iniquitous, the wisdom of the laws has made them so, and chalked out lines of action to us, as social beings for the public happiness of us all.

To bring this seeming point of difference between you and Sir George Savile nearer to a decision, I will suppose with you that
pupils

pupils should be lead into sentiments by lessons and discipline, that murder, perjury, and theft, were right; and allow that the principles of truth are either self-evident, or to be deduced from those which are self-evident. What then would a seminary in which such sentiments are taught produce? From the fallibility of human nature and the general propensity of men to err, either from habit or education, we see daily that although no man ever approved of a *wicked act* *, when he had committed it, yet to teach him the principles of it, would go far towards reconciling his conscience to it, and he would urge the liberty of his will as an authority for committing any act, whether of murder, perjury, or robbery, as best agreed with his purpose, at least the instruction would lead him remorselessly to the act itself, whatever

* All actions are more or less wicked, as they are contrary to the laws of God or man, and our remorse will awaken in our conscience in consequence of committing any action, which by education we have been trained or taught to believe wicked; the measure of that remorse generally is governed by the action itself, and the abhorrence we feel over it when reflection obliges us to examine how far that action committed on ourselves, would have been injurious and oppressive either to our interest or happiness.

might

might be his compunction over it afterwards. It is the *act* we are to guard against, and not the *thought or opinion*; for the act once committed according to the principle of necessity, the result of liberty, we are to suppose it was right, because it had happened, and having happened could not be avoided. It is of the highest consequence for us to say that some *thoughts and opinions* (meaning the public declaration and avowal of them) should not be tolerated. They may be *suffered*, but not *taught*. To teach them in the cases premised, is in a degree to provide food for those laws which the wisdom of experience has made it necessary for the legislature to enact, as a benefit to the community. If *tolerated to be taught*, it would be making a snare of the laws to catch those, whom designing men might lead into it by their doctrine, and not to deter them (as I take the truth to be) from coming within the reach of their punishment.

If there be seminaries wherein the principles of murder, perjury, and robbery are taught, it is much to be lamented, and the more so, because the pupils (as you say) are only punishable as vagrants; but though such principles may be taught, I believe you

D

will

pupils should be lead into sentiments by lessons and discipline, that murder, perjury, and theft, were right; and allow that the principles of truth are either self-evident, or to be deduced from those which are self-evident. What then would a seminary in which such sentiments are taught produce? From the fallibility of human nature and the general propensity of men to err, either from habit or education; we see daily that although no man ever approved of a *wicked act* *, when he had committed it, yet to teach him the principles of it, would go far towards reconciling his conscience to it, and he would urge the liberty of his will as an authority for committing any act, whether of murder, perjury, or robbery, as best agreed with his purpose, at least the instruction would lead him remorselessly to the act itself, whatever

* All actions are more or less wicked, as they are contrary to the laws of God or man, and our remorse will awaken in our conscience in consequence of committing any action, which by education we have been trained or taught to believe wicked; the measure of that remorse generally is governed by the action itself, and the abhorrence we feel over it when reflection obliges us to examine how far that action committed on ourselves, would have been injurious and oppressive either to our interest or happiness.

might

might be his compunction over it afterwards. It is the *act* we are to guard against, and not the *thought or opinion*; for the act once committed according to the principle of necessity, the result of liberty, we are to suppose it was right, because it had happened, and having happened could not be avoided. It is of the highest consequence for us to say that some *thoughts and opinions* (meaning the public declaration and avowal of them) should not be tolerated. They may be *suffered*, but not *taught*. To teach them in the cases premised, is in a degree to provide food for those laws which the wisdom of experience has made it necessary for the legislature to enact, as a benefit to the community. If *tolerated to be taught*, it would be making a snare of the laws to catch those, whom designing men might lead into it by their doctrine, and not to deter them (as I take the truth to be) from coming within the reach of their punishment.

If there be seminaries wherein the principles of murder, perjury, and robbery are taught, it is much to be lamented, and the more so, because the pupils (as you say) are only punishable as vagrants; but though such principles may be taught, I believe you

D

will

will not say that the masters and professors of them, teach them, unknowing that there are laws against carrying their theory into practice. It is impossible, because we have reason to suppose that these principles are taught in a way to avoid the punishment of those laws, when carried into execution, and not that they are just, and ought to be practiced. If otherwise, the teachers would set themselves above the laws, and by going into a state of nature, become altogether lawless; nothing then would be right or wrong but the will of one man or classes of men.

Idleness though not *an act* is a crime; it is *a habit* productive of evil, and punishable as such. * The establishment of a seminary
teaching

* Idleness is undoubtedly a crime, although it does not consist in a person's living reclusive and inactive. It is the habit of indolence under which a man resolves not to deserve by his industry the fruits of it in that society of which he is a member, but to interrupt its safety and tranquillity by offending the laws of it. Such are thieves, cheats, vagrants, &c. who preferring knavery to virtue, idleness to industry, rather enjoy the spoils of their moral turpitude, than endeavour to divide the profits which society affords to the industrious. A rich man may be an idle one and a drone, but no vagrant. He may be an irreproachable subject, but a
bad

teaching the principles of theft, murder, or perjury, would be widely different in effect from a *declaration* of an opinion in their favour. All opinions may be right on particular principles, but human infirmity proves that, though they may be *declared*, yet to teach them, and declare opinions in their defence, is to render *them habitual*; by making them a part of our education, it would be to make us morally evil-minded, and to throw us into the way of civil punishment.

Man, as an active, rational, and social being, is morally every thing he makes himself, or is made by others. His young ideas may be taught to shoot in vice * or virtue; but if

D 2

left

bad citizen. He may obey the laws, but be a miser. He may in his idleness be condemned privately, while publicly he is a good subject.

* There is no necessity at present that I should define vice or virtue. It is sufficient that I leave these terms to the reader's interpretation, first observing that any action committed through an unequal affection is vitious and wrong. Thus he who loves another for the sake of something reputed honourable, but which in reality is vitious, is himself vitious; as for instance, when an ambitious man by the fame of his great attempts, a pirate by his enterprizes, raises in
another

left to pursue his own happiness, according to the first principle of ethics, caution must be taken to train him in his youth, in the ways he should follow when he grows old, or in other words, he should be left as liberally to himself as possible, assisted only in the art of separating truth from falsehood; and, lastly, instructed in the well understanding of those laws which are framed for the happiness of mankind, but above all in an obedience to them, when satisfied that they will produce utility to himself: if not, he must wait with patience the alteration or amendment of them, when the improving wisdom of future experience shall produce so desirable an end.

In defence of the legislature of our country, if examined with care and perspicuity, I think it is as little to be reproached as the legislature of any state on earth. Wisdom and philosophy have progressively reared their enlightning heads among us from the reign of Henry VIII. to the present, and have scattered their seed wide among the people

another an esteem and admiration, it is then that the hearer becomes corrupt by secretly approving the ill he hears.

of

of this happy kingdom. They have been admired, encouraged and rewarded. The legislature have carefully nourished them, but as carefully watched them, lest under the mask of hypocrisy, the state would suffer by any baleful consequences of their specious or designing principles. If we look back to the days of Mr. Locke, and keep our eyes on the succeeding periods, regularly down to the present time, we shall find that whatever opposition philosophers and free-thinkers have met with from writers who have been shackled by prejudices, as ruinous to wisdom, as *the prejudices in favour of murder, theft, or perjury*, might (if taught) be to our happiness, and who have been trained to pace in the tramels of the church, they have ever been favour'd by the legislature. No restraints have been imposed on them or their disquisitions. Their opponents have illustrated what they laboured to defeat, and the legislature has been as indulgent to philosophy as the welfare of the community would allow.

It is from experience that we glean our wisdom, let us then not reflect on the legislature for acts *heretofore* passed. There might have been reasons for their formation at the
time

time they did pass; which vanishing afterwards, the disease was lost in the cure. The legislature are careful what laws they promulgate, and in their formation view them in their remotest consequences. They are made to promote good, or forbid evil. Their governing principle is the welfare of civil society, and the world is but old enough to allow us to distinguish generally that all our opinions or actions can be only criminal or injurious in proportion to the mischiefs they produce in it. The legislature hence acts with all possible caution. In the three grand periods of forming the great charta in King John's time, the abolishing of military tenures in Charles the second's time, and of the revolution in 1688, rapid advances were made towards human perfection. Moral freedom began to flourish under Elizabeth, civil and political under Charles II. philosophy at the revolution. I say little of religion or the forms of it, because perhaps it has produced abundant more mischiefs than all the advantages from it will possibly preponderate. Hypocrisy, interest, and an arbitrary sway prevailed in our religious affairs from the conquest to the reformation, save only some few distinctions in the reign of Henry IV. Bigotry, persecution and cruelty under Mary
and

and Charles I. Since their reign liberty of conscience, as well as civil and political liberty has been encouraged and protected. It has been tolerated, and of course rush'd in among us like a torrent long obstructed, and borne away before it those seeds of ignorance and superstition, which had been sown on the one hand, and with them the arrogance, villainy, and fraud of the sowers on the other, until now *no intollerance* is left among us as a people, but the constitution, the laws and the scriptures.

In religious, as in civil polity, some bounds are required to be marked out for the advantage of men in the aggregate. The Christian doctrine and Protestantism (speaking of it as a religion, which as Shaftsbury has shewn, is capable of doing great good or harm) is of all others the most free, consolatory, and beneficent. It is a system of ethics, and an obedient deference to its rules and precepts, will, independent of faith, effectually promote public and private happiness. I speak of the doctrine itself, and not of its respective teachers. Among them in this country there have been divers sectaries. It is these that have been hurtful to Christianity, to religion, and to society, by creating a schism in the church establishment,
and

and raising an enmity among the people, ending in national distractions, and an interruption of social harmony.

In searching into the extent of intellectual liberty, we must be cautious not to break the chains of society. Take away the key stone of an arch, and the structure will fall. In the same manner the peace, the happiness of society will be destroyed, if intellectual liberty be extended to the teaching of *murder, plunder, or other pernicious actions**, because

* Dr. Johnson in his life of Milton says, " It is yet
 " allowed that every society may *punish* though not
 " *prevent* the publication of opinions which that so-
 " ciety shall think *pernicious*, and that it is not more
 " unreasonable to leave the right of printing unre-
 " strained, because writers may be afterwards censured,
 " than it would be to sleep with doors unbolted, be-
 " cause by our laws we can hang a thief." There is
 an ingenuity of thought and expression in the Doctor's
 conclusion, but I do not think it forcible; were we to
 restrain or prevent the publication of opinions, as we
 would bolt our doors against thieves, we might do an
 injury to the cause of truth. We know that a thief
 would rob us, but we cannot tell whether any opinion
 would injure us before we considered it, which we could
 not do until it were published. To prevent, therefore,
 its publication, would be to imprison the human fa-
 culties, and confine our enquiries after knowledge.
 All opinions should be known, and being known, they
 should

because by a constant employment of the
laws in consequence of those actions com-
E mitted,

should be deliberately examined. If *pernicious* or pro-
ductive of evil they should be *restrained in their teaching
or publication*, but not otherwise; and Dr. Johnson has
not, perhaps, considered that punishment can only be
applied to actions, and not opinions. We know that
a thief enters our houses from no motive but to steal;
and therefore we guard our doors against him, but we
cannot know how far opinions are pernicious until
they are known, to prevent the publication of
them would not be like bolting a door against a thief;
but it would be locking up our intellects from truth.
Doctor Johnson's conclusion too, with regard to scept-
tics, is unjust, for we have always had a religion,
though they have not been restrained from teaching
what he calls follies. His assertion that "If every
" dreamer of innovation may propagate his projects,
" there can be no settlement," or that, "If every mur-
" derer at government may diffuse discontents, there
can be no peace," is equally unjust. Every day pro-
duces a dreamer of innovations, a murmurer at govern-
ment, and yet we have a settlement, and are in the en-
joyment of peace.

Mr. Voltaire says, "That a government may not
" have a right to punish the errors of men, it is ne-
" cessary that those errors should not be crimes. They
" are crimes only when they disturb society, and they
" disturb society when they inspire fanaticism: it is
" necessary then that men should cease to be fanatics,
" in order to merit toleration."

Treatise on Toleration, page 107.

But

mitted, their force will weaken, and they will not be otherwise a protection than by per-

But although errors may not be crimes, and persecutors may make any errors criminal they please, it is presumed Voltaire's idea is not to be controverted with respect to fanaticism, which it is known has disturbed society and produced criminal actions. And although it was not criminal, merely as an opinion, it produced actions of a criminal nature. As an undoubted cause, therefore, of social evil, Mr. Voltaire says, it cannot be tolerated, because its effect, from experience, is the disturbance of society; which disturbance is an action, and ought to be restrained.

Mr. Williams, nevertheless, disputes this point with Voltaire, and, deeming fanaticism an opinion, says, that it should be at liberty in the utmost extravagance of error, because it is only an opinion, and not an action. Mr. Williams, in order to maintain his ground, takes no notice of Voltaire's context, nor detains himself a moment to observe the inference drawn by that able writer, when he says, that errors should not be crimes. To disturb society is criminal, because *it is* against the peace, of which the civil magistrate is the preserver. If fanaticism have ever disturbed society, it may do so again, hence *the disturbance of society is criminal and fanaticism ending in criminal actions*, it is necessary, says Voltaire, that men should cease to be fanatics in order to merit toleration.

See Mr. Williams's Note on Volt. Treat.
on Tol. p. 107.

Government may yet suffer fanataticism without tolerating it. All errors and opinions are suffered *sub silentio*,

perpetually putting delinquents to death, which might tend, from the frequency of crimes, to a depopulation of the human species.

I do not here contend against the *declaration of any* opinion in private. It is the public *teaching of all* opinions, that I remonstrate against as introductory of actions which the criminal laws have forbidden by severe penalties. I have instanced in the case of idleness, which is an inaction, not an action that the law has provided against it. I may here subjoin the vice of lying and of drunkenness: these, though of an idle nature, if committed privately, and alone, are beyond the reach of human tribunals, but if committed *publicly, in the face of the world*, their evil example makes them liable to temporal censures. Thus lying produces slander and defamation; drunkenness

silentio, but no error or opinion is tolerated by law, which would disturb society, affect government in church or state, or treat either with open contempt, because government would otherwise furnish means towards its own destruction, and by losing its power be unable to restrain those destructive actions, which an unlimited toleration might occasion.

a breach

a breach of the peace, if indulged publickly ; both which are censurable by the laws. It is the breach and violation of *the public rights and duties*, owing to the whole community in its social aggregate capacity that is criminal, and *human laws* can have no concern with any but social and relative duties, being only intended to regulate the conduct of man, considered under various relations as a member of civil society, and not to rule over private opinions. Whatever tends to interrupt this, whether by a *public avowal of all opinions*, or a *public teaching them*, is contrary to the good of that society, notwithstanding their private declaration might on the contrary tend to improve us, by enabling us to distinguish truth from falsehood, in our private discussions.

The scriptures, as a test, being a religious allegiance in a Christian state, a man may subscribe them one day, and on one occasion, and decline to subscribe them on another. As a private layman he is not called upon to sign them at all, but as a clergyman he is obliged to it. His refusal is a self expulsion from the established church in a clerical capacity. Those laws, however, which the immediate necessity of fanatical times, made it prudent in
the

the legislature to pass, will continue to slumber over the doctrine of any man, who teaches virtue and *moral good on universal principles*, and the church will not regard him, unless he daringly denies the divinity of Christ or the scriptures; * but if he were to hold forth lessons in favour of *murder, plunder, and perjury*, the weakness of human nature would lead his congregation to think that advantages to *iniquity* would arise from it, and then those temporary laws would justly be revived against him.

We may remember the abuse which crept in among us about the close of last century, when the civil liberties to which we

* See Stat. 9 and 10, W. III. notwithstanding the penalties of which, persons may be found in England who openly and publicly bid them defiance by their doctrine; and yet this law is suffered by the magistrate or the people to slumber, which is some proof that freedom of opinions publicly declared has yet produced no pernicious actions. But these persons are but few in number. They walk warily on tender ground: repeal this act, give mankind an universal tolerance, and it will not be unreasonable to expect that the latitude of opinions publicly declared without restraint, may (while those who declare them do an injury to the state) produce tenfold triumphs at Tyburn.

were

were then restored, being used as a cloak of maliciouſneſs; and the moſt horrid doctrines ſubverſive of all religion were publicly avowed, both in diſcourſe and writings, it was neceſſary for the civil power to interfere by not admitting thoſe to the privileges of ſociety, who maintained principles that deſtroyed all moral obligation.

The acts of apoſtacy, hereſy, * reviling the ordinances and non-conformity would not be crimes if men were not in a ſtate of religious ſociety, and you who have *dropped all diſtinctions of religious ſects, and introduced a ſervice on thoſe principles which are acknowledged by all the world*, very well know that if in your ſervice you were to offend, as an apoſtate and heretic, † a nonconformiſt, or
a reviler

* Particular modes of belief or unbelief not tending to overturn the civil or religious conſtitution by ſapping the foundation of morals, are not objects of coercion by the civil magiſtrate.

† Hereſy, of which the crime was for ages indeterminate and arbitrary in its meaſure and ſignification, and againſt which many ſanguinary laws were made, repealed and revived, had no bounds until 1 Eliz. which ſoftened the rigor of puniſhment, and pointed out what hereſy was and ſhould be; but it was not until 29 Ch. II. that our minds were freed from the
tyranny

a reviler of the ordinances, you would be censured for it, and properly so, as a liege subject who owe as much to society, as if you taught the scriptures *only*, and followed the same idle example of the common idlers of the established church; but while you offend in neither of these instances, which as a philosophical teacher you cannot do, neither the *five mile act*, nor the *act of uniformity* will affect you, and society will rather be obliged to you for *disseminating virtue on the universal principles of morals* resulting from the faithful worship of one Almighty Deity, than offended by you. You may practice and teach philosophy without appearing publickly and professedly an anti-Christian. You may inculcate all the virtues by explaining and proving their utility, and escape the charge of infidelity. You may be a sceptic, and believe only what you please; yet by giving lectures on principles

tyranny of superstitious bigotry by destroying the writ for burning of heretics, and by subjecting heresy defined by the 1 Eliz. to ecclesiastical correction. Yet the crime of heresy ought to be more strictly defined, and as Sir William Blackstone says, no prosecution should be permitted in the ecclesiastical courts till the tenets in question, charged to be heretical, are by proper authority previously declared to be so.

which

which all the world acknowledge, you may be deservedly applauded by every liberal thinker who hears you, provided you keep the almighty fount of all that is good and great in view, and war not with the established church of this or any other country, which as a philosopher you can have no reason to do. But if opposed to all modes of worship, whether Christian, or judaical, a man should stand forth and say, that all are erroneous, and that no mode of worship is consistent with the reason and dignity of human nature, but his own, he would in that case weaken the force of his doctrine, by a dictatorial method of teaching it. This would be contrary to the spirit of wisdom which always recommends her decrees with deference and humility, submitting their propriety to the understanding without endeavouring artificially to warp it in their favour.

The scriptures appear as necessary in *an ecclesiastical sense*, to be subscribed by men *in a religious character*, as an oath of *allegiance is in a civil one* *. A retrospection on the

* The scriptures to the clergy are as the laws to the judges, or the constitution to the laws. A lawyer would be looked on as a madman who should plead singly from philosophy. A legislator as an idiot, who should propose
laws

conduct of the dissenters will prove this. It was not their thinking differently from the national church but their railing at and obstructing its ordinances for not submitting its public judgment to the private opinion of others, that obliged the legislature to prescribe pains and penalties against them, and so far as they were levelled at the offence of *railing at the national church, not of thinking* differently from it, they were not severe, for, though no restraint should be laid on dis-

laws contrary to Magna Charta or the constitution, and what could we say of a minister, if instead of expounding the scriptures, as the judges do the laws, he should preach from texts to be found in Tom Jones or the Fairy Tales. As a minister, his duty is to expound the scriptures. If he think them absurd, he should quit his profession, or not enter into it. No creeds or tests are imposed upon him by the legislature. If he be a hypocrite in consequence of subscribing the scriptures it is his own fault: he is at liberty either to take upon him the office of expounding them or to refuse it; but to do the one and afterwards complain that the scriptures are improperly made a test is contradictory, for they either appeared improper to be offered as a test before he subscribed them, which he was not compelled to do, or his subscribing them was such an assent which at any time after it would be folly in him to reproach, unless he renounced his profession with the errors that had been the means of establishing him in it.

F

cussions

which all the world acknowledge, you may be deservedly applauded by every liberal thinker who hears you, provided you keep the almighty fount of all that is good and great in view, and war not with the established church of this or any other country, which as a philosopher you can have no reason to do. But if opposed to all modes of worship, whether Christian, or judaical, a man should stand forth and say, that all are erroneous, and that no mode of worship is consistent with the reason and dignity of human nature, but his own, he would in that case weaken the force of his doctrine, by a dictatorial method of teaching it. This would be contrary to the spirit of wisdom which always recommends her decrees with deference and humility, submitting their propriety to the understanding without endeavouring artificially to warp it in their favour.

The scriptures appear as necessary in *an ecclesiastical sense*, to be subscribed by men *in a religious character*, as an oath of *allegiance is in a civil one* *. A retrospection on the

* The scriptures to the clergy are as the laws to the judges, or the constitution to the laws. A lawyer would be looked on as a madman who should plead singly from philosophy. A legislator as an idiot, who should propose laws

conduct of the dissenters will prove this. It was not their thinking differently from the national church but their railing at and obstructing its ordinances for not submitting its public judgment to the private opinion of others, that obliged the legislature to prescribe pains and penalties against them, and so far as they were levelled at the offence of *railing at the national church, not of thinking* differently from it, they were not severe, for, though no restraint should be laid on dis-

laws contrary to Magna Charta or the constitution, and what could we say of a minister, if instead of expounding the scriptures, as the judges do the laws, he should preach from texts to be found in Tom Jones or the Fairy Tales. As a minister, his duty is to expound the scriptures. If he think them absurd, he should quit his profession, or not enter into it. No creeds or tests are imposed upon him by the legislature. If he be a hypocrite in consequence of subscribing the scriptures it is his own fault: he is at liberty either to take upon him the office of expounding them or to refuse it; but to do the one and afterwards complain that the scriptures are improperly made a test is contradictory, for they either appeared improper to be offered as a test before he subscribed them, which he was not compelled to do, or his subscribing them was such an assent which at any time after it would be folly in him to reproach, unless he renounced his profession with the errors that had been the means of establishing him in it.

F

cussions

cussions about the mode of public worship, yet open contempt is what no establishment can tolerate.

The acts of uniformity and the five mile act which you complain of were prudently passed by Charles II. They were required by necessity, and their preambles which corresponded with the facts they recited are a sufficient proof of that necessity, in a reign when the state was convulsed by the conduct of religious sectaries, and the utmost disorder spread by them and their militating principles.

It was the seperation of the presbyterians from the reformed church, and the various kinds of faction and schism, that the legislature endeavoured to correct by the act of uniformity; and the five mile act was levelled against those seditious conventicles, which from experience had raised insurrections to the annoyance of the state, and *public happiness*, contrary to the spirit of the constitution, civil and religious; yet as a testimony of the indulgence extended to these presbyterians, which they themselves, when in power, had held to be countenancing schism and denied to the church, the legislature suspended

pended those penal laws against them by the act of toleration passed 1 W. and M. and afterwards confirmed in queen Anne's time, on condition that they take the oaths of allegiance and supremacy, &c. This act is established, notwithstanding it has for its object a mode of worship opposed to the national, but not without *a test of ecclesiastical allegiance*, whereby non-conformity or that branch of it which relates to *private* conscience, meets with every toleration which leige and good subjects can reasonably expect.

But in order to secure the established church against danger from all nonconformists whatsoever, the legislature, long before, enacted two statutes: the corporation statute and the test statute, both in Charles the II^d. time. Of the former, I need make no mention, because of no other concern to my present purpose than to shew the care of the legislature in not suffering any person (not of the established religion) to be elected to any office under government, unless he had conformed to the proviso of it by receiving the sacrament according to the rights of the church of England, &c. But of the latter, it is material that something should be said upon

it, since you have asserted that the passing the last dissenting bill with *any test of opinions* in it is a *dishonour* to the *abilities and talents* of the nation.

You complain, in effect, that professional men are excluded from practicing their professions, unless they subscribe to limited opinions, which you think illiberal and unwise, because to those opinions you cannot consent, contending that opinions true or false are not to be enjoined by the magistrate. If natural and civil allegiance were only to be required from men in society, and any man might practice or teach his religious profession in the way he pleased, a question would arise whether the safety of that state would be at all endangered by it. It is doubtful that by establishing an universal toleration, without any test, the legislature would not rather accumulate than destroy objects of philosophical complaints; and until those men who reprobate the limitation of the legislature as dishonourable to the talents and abilities of the nation shew, in what acts that legislature would do honour to those talents and abilities, at the same time prove that by being tolerated to declare and teach all opinions, no disorder or danger would result

result to society or the state, they themselves must allow that their complaints against such limitation would be visionary. To be better understood, I will state a case and propose a question: suppose the legislature had passed an act of universal toleration, allowing men to declare and teach all opinions; suppose farther, that in consequence a man should gather a congregation together, and teach them that Bedlam was the kingdom of Heaven, would not this tend to drive them mad, and by so doing be injurious to the state by depriving it of many useful members? You may think not, because none but madmen would listen to such a teacher or believe what he taught. This may be said of men possessing sound minds, who are taught to believe the scriptures *in toto*. I am at this time acquainted with a gentleman of strong worldly sense, who has frequently declared to me that if it were written in the scriptures that Jonas had swallowed the whale, and not that a whale swallowed Jonas, he would believe it. The minds of men in general are too weak to be impressed by truths in opposition to the impressions which education and custom have rooted in them, and they want strength to believe the evidence of their senses. What-
ever

ever extreme they go into is dangerous. Universal toleration, without a test, might produce and generate factions and sectaries; and men composing them, being left to themselves, respecting their principles and opinions, may as well *publickly* deny a God, execrate the scriptures as an imposition, and laugh at their divinity, as to promote the dignity and happiness of mankind by teaching the few discovered truths philosophically which are known among us. There being no medium between these extremes, an universal toleration would let mankind lose on one another, and like birds long encaged and habituated to a limited space of existence, in which they are happy, when once they are set free and have the world at large to roam in, with Providence only for their guide, they might droop into melancholy, misery, despair, and death. To prevent possibilities so dreadful and injurious as these would be to the civil state, which to support has for its principal pillar, a religious establishment of *some sort*, the legislature has hitherto found it necessary to confine toleration to the test of the scriptures, and has allowed to the dissenters, a mode of worship contrary to the established national one. If they were tolerated without this
test,

test, they would be at liberty to reject the scriptures, and tacitly allowed to resign them wholly to the ministration of the national clergy. In what then would the ordination of the dissenters consist? Probably to teach philosophy and morality, or any doctrine they pleased without limitation, while the national clergy are compelled to subscribe the scriptures as a test, and to administer them according to ecclesiastical law. The advantage to the dissenters might be trifling by such a toleration, because the test and corporation statutes would interfere and prescribe them from holding offices of public trust or emolument, but in proportion to this exclusion, would be the measure of their malignity, and they might do violence to the state by their principles and doctrine, when no advantage would accrue to them beyond the satisfaction of opposing the national church; they might create disturbances, and breed animosities, hatred, and disgust, if universally tolerated without any test, in return for their separation from the national church. It is in the apprehension of these dangers that the legislature finds it expedient to steer the middle course; by prescribing no test to the dissenters but what is prescribed to the national clergy, they

they preserve an equilibrium between both, as well for the security of the church, as to guard against the mischiefs which the non-reservation of a test to the former might make it reasonable to suspect.

It is my endeavour to argue this point with you, as a professed philosopher, and confessing to you that I am no martyr to opinions, I think, that philosophy is not well understood; If it be to do always and in all things that which is wise, and of course conduces to our welfare, it is unlimited and disdains precept. A wise man is a turk in Turkey; a jew in Jerusalem; a mahometan at Mecca; a papist in Portugal; a protestant in England, and all or any of these as regards his public welfare, as a citizen of all or either of those places, or of the world at large.* He will not perish at the stake in favour of any opinion, and, philosophically speaking, he hence would do no injury to his conscience, because in all those places an Almighty God is believed and adored.

* As the author of this essay addresses it to a philosopher, and writes on the subject with a freedom which philosophy only allows, he hopes that no popular reflection will affect any thing he advances in support of his arguments in these sheets.

A wise

A wise man is all things unto all men; he views every thing with an unprejudiced eye, and, in the midst of the world, enjoys a kind of public obscurity; his happiness and welfare is the haven he steers for; philosophy is his rudder, and, secretly despising all bigotry, he neither pertinaciously refuses to comply with a test when such happiness and welfare is his object, nor will he comply with it when his welfare is not in view.

This is my present idea of a philosopher, a man who refines his temper by wisdom, who will always pay a regard to the laws of the state in which he is a member, and who will not make his welfare and happiness depend on the obstinacy of his opinion, well knowing that there is more pride, ignorance, and bigotry in sacrificing his interest to his opinion, than there would be in making the one subservient to the other. I here speak of a philosopher as an individual member of society, wherein his morals are amiable, and he is found to be the good citizen and subject, whatever opinions he may possess contrary to any of its laws civil or religious, or whatever he may think contrary to that civil and religious jurisprudence, which, while he outwardly complies with, he may inwardly condemn. If, instead of all

G

this,

this, a man divides himself as it were from the community, quarrels with what he calls follies and absurdities (a compliance with which would not injure him) and ventures to teach principles of philosophy as a public religion, he flies in the face of the national church, and by complaining of the restraints on intellectual liberty, he appears much more concerned for what he deems legislative impositions on others than himself. If there be philosophy in this, I am ignorant of what philosophy is: for I cannot conceive that when a man stands forth publicly, and delivers his opinions in open contempt of the national establishment, that he is a philosopher, *quo ad*, such conduct. He may be an able, a learned, and a good man, but an injudicious and rash one; and by making his appeal to the multitude, a thoughtless inconsistent one. The legislature are the multitude refined; to them he should appeal as the oracles of wisdom, and carrying with him proofs of general utility to arise from the objects of his appeal he will be heard and considered.

In every well regulated state, and under all settled governments, it is the duty of the sovereignty to provide every possible protection against *actions and offences* which
strike

strike as well against the national polity, or tend to destroy the cement which connects us civilly and politically together, as a community, as our national religion*. While an established church is beneficially connected with, and inseparably forms an essential

* If men were capable to govern themselves individually, there might be no inconvenience in allowing every individual to have a share in the government, civil or ecclesiastical, of the community, but in such society and among such beings, there would be no occasion for any government. More precautions are necessary to oblige men to be just to each other. Laws which were intended to be equal for all, are soon warped to the private convenience of those who have been made the administrators of them. To remedy, therefore, evils which thus have a tendency to result from the nature of things ; to oblige those who make and are keepers of the laws to conform themselves to it ; to defeat the silent machinations of those who govern, requires a knowledge and spirit which are not to be expected from the multitude, who, employed in providing for their subsistence, have not leisure, and from their education, the necessary information for functions of this kind. Nature, who is very sparing of her gifts, has bestowed only on a few men an understanding capable of the complicated researches of legislation ; and as a sick man trusts to his physician, a client to his lawyer, so a healthy man looks up to his religious pastor, who has more abilities than himself to explain those things which require many qualifications to do with sufficiency. Were the legislature to tolerate every man a physician, a lawyer, or a spiritual

tial part of an established government, it is as necessary to prescribe the oaths of *allegiance and supremacy*, and to hold out a test with the administration and receipt of the sacrament to a man about to take upon him offices of public trust, as to prescribe laws against traitors. It was one of the many causes of complaint against James II. that he assumed a power to dispense with the laws against catholics in their favour, which contributed to drive him from his throne, because injurious to the *national religion*, and creating disorder in *the church*; considering men in a civil society, it is as just that there should be a ligament or tie in the *ecclesiastical* as in the *civil* government. It is part of our constitution that it should be so, as established at the reformation,* but no test whatever is imposed either in *regard* to our civil or religious conduct as *private* individuals. It is when we look up to public offices or public professions that the test is considered by some of us as formidably

teacher, who thought himself one, the first might poison you, the second rob you, and the last drive you mad.

* The great Lord Hale, in Taylor's case, 1 Vent. 293, says that christianity is part of the laws of England, therefore, to reproach the christian religion is to speak in *subversion of the laws*.

abhor-

abhorrent. Let those remain private, and all the horrors of that test die instantly away. We know that even papists, on whose account in particular the test act passed into a law, have since been indulged with a repeal of a severe statute, respecting them on condition of their swearing *temporal* and *civil* allegiance and supremacy, but would it be proper to admit them into offices of trust without any test at all? It would be absurd to make a public character of, or repose a public confidence in, a man who, though not an enemy to our state is professedly so to our national religion.* No man is admitted

* The idea of ecclesiastical power, became associated in the same manner as the idea of despotism was afterwards associated with the religion of those monks who flocked to the court of England under the conqueror. Their influence over him raised a jealousy in the nobility that these men would be the depositories as well as interpreters of a system of laws which favoured despotism. The roman laws, introduced by the monks, were hence rejected by the nobility, and they were prohibited. When the establishment of them over the English laws was contended, the laity resolved to confine them to universities and monasteries. M. De Lolme, in his book on the English constitution, says, " It perhaps might be shewn that the liberty of
" thinking in religious matters, which has at all times
" remarkably prevailed in England, is owing to much
" the

mitted into the church of England without *a test* which consists in the subscription of the articles, and which is *not* imposed but *only required*. How then is the passing the dissenting bill with any test of opinions dishonourable to the talents and abilities of the nation? Is it more so, than requiring *a test* from the protestant clergy? I think not. Yet you say, that all tests of opinions are dishonourable, because opinions, true or false, are not to be enjoined by the magistrate, for that being permitted to enjoin the belief of truth, he will claim a right to enjoin the belief of falsehood. Subscribe, therefore, none. Be a philosopher and a good citizen. Offend not the laws, you will then keep your conscience clear, and may exert your intel-

“ the same causes as its political liberty ; both, perhaps, are owing to this, that the same men whose interest it is in other countries that the people should be influenced by prejudices of a religious or political kind, have been forced in England to inform and unite with them.” He further says, in the same book, “ That the frequent changes of religion, which have taken place in England, prove the equilibrium between the then existing sects ; there was none (says he) but what might become the prevailing one, when the sovereign thought proper to declare for it, and it was *not England*, it was only *its government* which changed its religion.”

lectual

lectual liberty to its full extent; but you suspect that while the stat. of 23. 29. 35. Eliz. 22 Cha. II. are suspended only on conditions mentioned in the toleration act, 1 W. and M. respecting the oaths of allegiance and supremacy, the declaration against popery, the repairing to some congregation which must be certified, and while you do not conform to them all, you are liable to the penalties of those statutes; As a dissenter, holding no communion with the protestant dissenters, I grant it, but then you say it is *dishonourable to subscribe any test*, notwithstanding the *indulgence of the toleration act*. You approve neither of the scriptures nor the articles, although all the penalties of the presbytery laws are repealed on condition of subscribing the former, so that for the sake of *intellectual liberty*, you are against all security from heresy in the church, considered as a national establishment, or in other words you are for no church at all.*

This

* Dr. Johnson, in his life of Milton, says, " To be
 " of no religion is dangerous," for, that " religion
 " of which the rewards are distant, and which is ani-
 " mated only by faith and hope, will glide by degrees
 " out of the mind, unless it be invigorated and
 " reim-

This was the doctrine of the independants, a sect so called in Charles I. time, who rejected all ecclesiastical establishments, and would admit of no spiritual courts, no government among pastors, no interposition of the magistrate in religious concerns, no fixed encouragement annexed to any system of doctrines or opinions. According to their principles each congregation united voluntarily, and by spiritual ties, composed within itself a separate church,* while the
enthu-

“reimpressed by external ordinances, by stated calls
“to worship and the salutary influence of example.
“If every sceptic (says he) in theology may teach his
“follies there can be no religion.” But here he is not altogether justified, because, notwithstanding, we have had sceptics who have publicly professed their scepticism, we have ever had a religion among us. Perhaps the Doctor means that if we had *no* church establishment, sceptics and sectaries by teaching their follies would deprive us of *all* religion.

* It may be a question, whether prelacy should be destroyed with presbyterianism, and every man form within himself a separate church; if it were resolved in the affirmative, there might be a saving to the community, because it would have neither prelates nor elders to maintain; every man would then be his own priest, his homestall would be his cathedral, his conscience a sacred vestry, and nature his holy Bible, wherein God would constantly appear to him as an
object

enthusiasm of the presbyterians lead them to reject the authority of prelacy, and to throw off liturgies, the fanaticism of the independants abolished ecclesiastical government, but confounded all ranks and orders of the people. We have remarked the consequences of this doctrine in the history of the time in which it prevailed. The inde-

object of wonderful adoration. He would visit the homestead of another as a neighbour, where he would partake of family fare without fee or reward. But, pleasing as all this may appear upon paper and in the imagination, it is impossible to put it in practice publicly. Society requires *an establishment*, and it pays dearly for it, as well under presbyters as bishops. I speak as to the mighty whole. Individuals may enjoy intellectual liberty to the utmost extent in private, and form a separate church, while the people, as a people, apply to the established church of their country for that divine instruction which they cannot discover of themselves.

In the words of Voltaire: "Such is the weakness of
 " mankind, that it is better they should be subject
 " to all kinds of superstition, except those which *are*
 " *sanguinary*, than they should live without religion.
 " Man has always stood in need of a bridle; and
 " though it was ridiculous to sacrifice to fawns, dry-
 " ads, and nays, it was more reasonable and useful to
 " adore these fantastic images of the Deity than that
 " he should deliver himself up to atheism."

Treat. on Tol. p. 112.

H

pendants

This was the doctrine of the independants, a sect so called in Charles I. time, who rejected all ecclesiastical establishments, and would admit of no spiritual courts, no government among pastors, no interposition of the magistrate in religious concerns, no fixed encouragement annexed to any system of doctrines or opinions. According to their principles each congregation united voluntarily, and by spiritual ties, composed within itself a separate church,* while the
enthu-

“ reimpresed by external ordinances, by stated calls
“ to worship and the salutary influence of example.
“ If every sceptic (says he) in theology may teach his
“ follies there can be no religion.” But here he is not altogether justified, because, notwithstanding, we have had sceptics who have publicly professed their scepticism, we have ever had a religion among us. Perhaps the Doctor means that if we had *no* church establishment, sceptics and sectaries by teaching their follies would deprive us of *all* religion.

* It may be a question, whether prelacy should be destroyed with presbyterianism, and every man form within himself a separate church; if it were resolved in the affirmative, there might be a saving to the community, because it would have neither prelates nor elders to maintain; every man would then be his own priest, his homestead would be his cathedral, his conscience a sacred vestry, and nature his holy Bible, wherein God would constantly appear to him as an
object

enthusiasm of the presbyterians lead them to reject the authority of prelacy, and to throw off liturgies, the fanaticism of the independants abolished ecclesiastical government, but confounded all ranks and orders of the people. We have remarked the consequences of this doctrine in the history of the time in which it prevailed. The inde-

object of wonderful adoration. He would visit the homestead of another as a neighbour, where he would partake of family fare without fee or reward. But, pleasing as all this may appear upon paper and in the imagination, it is impossible to put it in practice publickly. Society requires *an establishment*, and it pays dearly for it, as well under presbyters as bishops. I speak as to the mighty whole. Individuals may enjoy intellectual liberty to the utmost extent in private, and form a separate church, while the people, as a people, apply to the established church of their country for that divine instruction which they cannot discover of themselves.

In the words of Voltaire: "Such is the weakness of
 " mankind, that it is better they should be subject
 " to all kinds of superstition, except those which *are*
 " sanguinary, than they should live without religion.
 " Man has always stood in need of a bridle; and
 " though it was ridiculous to sacrifice to fawns, dry-
 " ads, and nays, it was more reasonable and useful to
 " adore these fantastic images of the Deity than that
 " he should deliver himself up to atheism."

Treat. on Tol. p. 112.

H pendants

pendants took shelter and concealed themselves under the wings of the presbyterians, until they were enabled to stand forth alone, and as a distinct party; they were the first christian sect which admitted of toleration; while the presbyterians imagining that their tenets would be rejected from a criminal obstinacy, gratified their bigoted zeal in persecution. Both were injurious to the tranquillity of government and the peace of the people: the former violently arrogated the whole form of government in Charles I. time, and deprived that unhappy ill-guided prince of his legal prerogatives; the latter, by equal violence, obtained the command of the parliament, until the struggle ended in the trial and execution of their sovereign.

I know not what would be the benefit of having no church establishment in a community naturally prone, as all communities are, to anarchy and disorder, which governments are formed to correct and appease; Whenever the time arrives when human nature shall be so quiet, so perfect, and so universally philosophical, as to suffer individuals to enjoy their own opinions peaceably, and publickly to teach their tenets,
with-

without warring against each other.* I say, whenever men will be so composed and refined as not to interrupt each other in the *public avowal or profession* of their thoughts, but that every man or classes of men, shall write, preach, and publish † what either please,

* Nature says to all men, “ I have brought you all
“ into the world weak and ignorant, to vegetate a few
“ minutes on earth, and to manure it with your
“ bodies. As you are weak, succour and bear with
“ each other: if you were all of the same opinion,
“ which will certainly never be, and there were only
“ one who differed from you, it would be your duty
“ to forgive him, for I make him think as he does.”
Again, “ He who listens unto me will judge always
“ rightly, while he who endeavours to reconcile con-
“ tradictory opinions always wanders into errors.”

Volt. on Tol.

† With all proper respect to the abilities of the very learned Dr. Johnson, his reasoning on leaving the right of printing unrestrained, may be reduced to this.
See note ante page 24.

It is abused, and the abuse of it subjects a man to punishment.

No man can abuse it who does not possess it.

Ergo. No man *should possess it*, because according to Dr. Johnson, he cannot then be punished for it. Is not this something like hanging a man to prevent his committing a crime which, by the law, is punished by death? *See Johnson's life of Milton.*

without offence, or doing violence to men in their aggregate capacity, then the scriptures may be abolished with the 39 articles, and all tests be absolutely repugnant to intellectual liberty, wholly unnecessary, and dishonourable to the talents of the nation. But until the apparent necessity of keeping men peaceably together in society by coercion be entirely removed and lost; until they are able to pursue their own happiness in points of conscience, and to govern themselves individually in affairs of religion, the order of society requires a church establishment to prevent that violence and confusion to be expected as the result of self controul, and the jarrings of contending interests, which however immaterial to the consciences of men separately or in private, are of particular concern to the harmony and public happiness of states. It is the tranquillity of the aggregate whole, that *religious* as well as *civil institutions* are meant to promote,* and the

* In an Act of the general convention of the commonwealth of Massachusetts establishing a new constitution of civil government, there is a clause, which, being applicable to this part of my essay, I will quote as follows :

the evils of past experience, which formerly accrued in the community by the public and private communication of opposite opinions and the public profession of them called loudly on the legislature to enact laws against them, and progressively to improve upon those laws by removing or molifying their restrictions as future experience, from time to time down to the present moment, made it necessary; Liberty of conscience is now tolerated to the highest degree, except in the sequestration of the *scriptures** *themselves*.

Destroy

It enacts, " That all men have a natural and unalterable right to worship God according to the dictates of their own consciencies, and to enjoy a full and free liberty therein, *provided* that they, under *pretence of religion*, do not attempt to *subvert the constitution* and form of government of this state, &c." By this we see, that in the formation of a modern state, how cautious those that form it are to protect it against the fatal effects of pretences to religion. If, however, Mr. Williams should think that a state may be supported without any established religion, as in China, and by making the scriptures give way to philosophy, the one has long been a burthen to the other, it is a theory which, having at present no weight with me, I cannot minutely consider in the compass of this essay.

* The scriptures undoubtedly require correction: their imperfections are conspicuous, and lessen their credit

Destroy them or leave them open to an optional approbation in part or in all. Cancel the 39 articles, and let every man write and preach according to the full extent of intellectual liberty, and all this, you say, the legislature should *tolerate on an universal principle of legislation.*

The civil polity, I suspect, would receive no advantage from *such* a toleration; it would rather meet with manifold dangers, and wanting an established hierarchy, in matters of religion which would form an *union* of peace and concord, it would soon be every thing dreadful and alarming. Sectaries in religion are like factions in politicks; and were every man left to himself in the

credit in proportion to their contradiction and absurdity. Let them be corrected, in God's name, but not annulled. The most learned christians will then acknowledge them to be in a condition which renders them fit to be *offered* as a test. True christian philosophers may think them fit already, and not think otherwise because they require correction. It would do honour to the talents and abilities of the nation if they were corrected under the authority of the legislature: reformation and correction are undoubtedly necessary in our religious establishment, and the time, perhaps, is not far off when they will take place.

article

article of religion publickly, there would be found in society an olio of thoughts and opinions, which by the acerbity of some, and the folly of others, would possibly be followed by the most horrid distractions, as ruinous to the private happiness of individuals as to the public welfare of society. I speak from the experience of history. I write as a citizen of and subject in a free state, not as an unconnected being. As an individual, not connected in society, I should be ungoverned except by the *universal laws of nature*; neither my *thoughts or actions* would be wrong; but as a social being I must look further, I must *examine what the legislature have thought good for society at large*; I must not condemn the established religion of my country unless I have a better to offer; yet I may follow my own private principles without offending it. It is the *general* peace and not my *private opinion* that should rule, unless by opposing it to the general establishment I were so successful as to overturn it, and induce the legislature to substitute mine as preferable to it.

“ A system I grant that is never to be censured will never be improved. If nothing
is

is ever to be found fault with, nothing will be mended ; and that a resolution to justify any thing, at any rate, and to disapprove of nothing is a resolution which, if pursued in future, must stand as an effectual bar to all the additional happiness we can ever hope for ; pursued hitherto would have robbed us of that happiness which we enjoy already.†

It is a proverb, that private convenience should give way to public utility. It is a principle of legislation, and we apply to parliament for laws *generally beneficial to us all*, when individuals cannot be brought to consent *particularly* for a general good. If on the contrary public utility were made subservient to private convenience, there would be no possibility of settling any form of government, or promoting in any shape the welfare of the state, either civilly or religiously, because private convenience is every man's will distinctly, whereas public utility is the convenience and advantage of every man in a state of civil or religious society, which cannot be divided so long as the peace and protection

of men are the objects of civil and religious government.

As an individual, I think with you, that there ought not to be any restraint on you or me respecting religion, or opinions, neither ought any to be enjoined by the magistrate, and, as such, I assert that we are not enjoined to any. Mankind may find their happiness without any fear of reproach by thinking for themselves. I never subscribed the Bible nor the 39 articles, yet I say, with Bishop Burnet, that the christian religion, according to the English liturgy, is the most mild and agreeable. I seldom frequent the established or any other church, still I am no apostate nor non-conformist, because having been born of christian parents, bred in a christian country, educated among protestants, and ever preferring the christian doctrine, I neither renounce christianity, nor do I embrace any other mode of worship; I profess no religion, yet endeavour to practice *all*; I feel myself a deist in spite of prejudice, but am not within those laws enforced by Constantius, or Julian, nor Theodosius, or Valentinian, which were by the persecuting zeal of our ancestors imported into this

I country;

country ; neither am I in danger of the 9 and 10 W. III. because I neither *deny the christian religion to be true, or the scriptures to be of divine authority* ; nor am I in fear of stat. 1 Eliz. 23. *ibid.* or 3. J. 1. for not frequenting the established church, because in your own words I am satisfied, that so long as I continue a peaceable subject, and do not offend the laws constitutionally, nor the established church religiously, these laws will not be imposed upon me on any pretence, because *there is no truth in geometry clearer than that the proposition doctrine or system which requires any species of violence to enforce it, is a falsehood.*

I nevertheless think that the preservation of christianity and the liberal mode of worship in our established church is, as a national religion, of the utmost consequence to the civil state, by inculcating in the minds of its members ideas of rewards and punishments ; of morality, and above all a Supreme Being, as the foundation of judicial oaths ; but apostacy, heresy, or the renunciation of the national religion, might by infidelity, treachery, and deceit, overturn
all

all human veracity and drive us back to first principles.

When I say that the christian establishment is of the utmost consequence, I mean to the people in general. Their temper is not, cannot be softened or humanized by the sciences and liberal arts, because they have no taste for them. It rarely happens (as Mr. Hume says) that *a man of taste and learning* is not at least *an honest man*, whatever frailties may attend him. To such a man, a religious establishment is unuseful, and were *all* men possessed of taste and learning it might be unnecessary.

I allow that as men privately communing with each other, we should declare *all our opinions*, but for the reasons I have already submitted, opinions in favour of murder, plunder, perjury, or other pernicious actions should never be publickly or privately taught. It was in the idea that these crimes, when taught according to the full extent of intellectual liberty, would produce *no evil*, which probably induced you to suppose that they ought to be taught and tolerated, for you say, that if a man be so weak as to suppose that advantages would arise to iniquity

from it, he cannot be benefited by any reason that can be offered him; which is saying, in effect, that opinions in favour of those actions are harmless, and that no man in his reason would commit them because they are iniquitous. There is either an obscurity in this assertion, or I do not comprehend it; you either make use of the word *iniquity* as a sign that *iniquity* was *in esse* before you made it a sign, and that it was the name of vice in general, or I am not thoroughly acquainted with your meaning. I understand by iniquity, injustice, a want of equity and wickedness. The term is social; injustice and wickedness are of social definition: for example, we have no authority to call murder or rapine *naturally iniquitous*. The first prohibition we find of them is in society and by a legislator; sensible that no advantage would arise to *iniquity*, you say, you do not see why murderers should not teach the principles of murder; thieves of theft, &c.

The nearer we draw to a point the more do your assertions dwindle, and diminish almost to nothing in the grasp: By concluding that murder may be taught, because no man in his reason would commit it, you
infer

infer that no man would teach it. To what end would it be to tolerate men to *do* what they would *not* do? Are opinions to be declared and taught which produce no evil merely because they produce no good? Taking for granted that no advantages would arise to iniquity by teaching the principles of murder, rapine, &c. I think there would be no harm in it, and the teacher finding himself rewarded by his labor for his trouble would silence himself. But as I cannot take things for granted which I find contradicted by daily experience, I am of necessity compelled to say, that there are reasons why murder and rapine should *not* be taught. Those who may be led to commit these actions do not previously contemplate the iniquity of them without being taught them, and to teach them would, as I have already said, be reconciling the conscience to what men might otherwise be checked against committing: hence it would not be right to tolerate the teaching the principles of murder and rapine.

I should willingly approve of your charge against Sir George Savile, that he dashed to atoms with the one hand what he had held up with the other; when he said, that there
are

are some opinions and thoughts which cannot be tolerated, and instanced those of a right to murder and plunder, if it appeared to me that such a right if tolerated would be productive of any social benefit. I have submitted reasons why such a right would be ill-founded and dangerous in its tendency to the welfare of mankind. There is never wanting men, who, from imbibing bad principles, habits, and education, would avail themselves of such a tolerated right for the advantage that would arise to *their* iniquity from it. Every man who commits an act which the law has prohibited may *not* think it iniquitous, and be in his senses. A highwayman may say, he only takes that from another man which he has not a heart to spend. An ingenious knave reconciles to himself the *justice* of his *knavery* before he executes it; his study is to evade the law, and the *law only to him is iniquitous*; he may reason that nature made men equal, and that one man ought not to wallow in wealth while another pines in want. Erroneous as this reasoning in reality is, it is the reasoning of men when about to violate the laws. Detection may afford them compunction, but their infirmity may prevent it in the preparation to the fact detected.

For

For these reasons, and because the toleration of a right to murder or plunder would certainly produce no good, but probably much evil, I am of opinion that Sir George Savile did *not* dash to atoms with one hand what he had held up with the other, in saying that the doctrine of murder and plunder could not be tolerated, but that he rather spake with reason, judgment, and comprehension. There is a difference between restraining a liberty to *declare* all opinions and *tolerating* them. You may teach those of murder or plunder if you please. I know of no law against it; and I know that you will not please to teach them. Yet you call on the legislature for a toleration of all opinions and principles, not pre-conceiving that in such case madmen would preach their madness, bigots their bigotry, and that divinity would be tortured from the world by those pretenders to philosophy, who, instead of doubting its existence, would make the world much *happier* by preserving it inviolate.

I have always understood that it is the business of the legislature to promote truth and protect what is good, much less then would it be justifiable to *tolerate* the avowal of *all* opinions, and reserve *no* test as a
guard

guard against injuries of the established church: By throwing open the gates of religious society, and admitting philosophy to walk in, *without restraint*; to tolerate a contempt of the religion which long custom has habituated the people to admire, (and which in itself is admirable) and to regulate their *civil* and *moral* conduct thereby, would be, in my humble opinion (which I take the liberty publicly to declare) to introduce all the perils of a rude ungoverned state of nature; unforging the golden chains which keep mankind socially together for the benefit of all; and by spreading the tender seeds of wisdom in soil too coarse and barren to rear them to any general benefit, it would be to lay wide waste in the community of our goods, and abrogate all the convenience of civil and religious society.

There are among the dissenters, who contend that the civil magistrate should not interfere with them, respecting opinions of faith or otherwise; and that therefore no opinion should be prescribed to them. They also contend that the legislature ought to tolerate the avowal of all opinions, or at least by not tendering any creed to them, that they may be at liberty to think for themselves,

themselves, for, that as they are separated from the church, they ought not to be required to subscribe to any of her doctrines, because not choosing to put themselves in the way to her favour by receiving any of her honours or profit, they should be indulged in forming, digesting, and disseminating their opinions without any subscription whatever, particularly as they are obliged by law to commune publicly, and are open to the law in case they do violence to it by avowing their principles. If they consider themselves as a religious body, they mean by this reasoning that they should be allowed to make what use of the scriptures they please, and to discover how far the avowal or profession of *any* opinion, would either find its own worth, or, in examination, defeat itself.

Were they to be tolerated without any test, they would possess that unlimited liberty which you say they have ever wished for, and which is not possessed by the national clergy; and they might prove what you also say, no friends to the freedom of the human mind in others. The tolerating them, without any test, would either be virtually to repeal 9 and 10 W. III. 3 Ja. I. or they

K

would

would be obliged under these statutes tacitly to approve the scriptures, by not denying their divinity, and frequenting the established church. I see no difference in subscribing the scriptures *in general*, and not being at liberty to deny their divinity : and supposing the dissenters to be tolerated, without signing them, they would still be within the above statutes if unrepealed. To refuse the one and yet be obedient to the other is something like straining at a knot and swallowing a camel : to refuse them is, in fact, to deny them, though not within the statutes, because they may be refused privately, whereas the statutes prohibit a public denial of their divinity.

You say* “ the petition of the dissenters
 “ praying an abolition of the penal laws,
 “ and giving the fullest security for their
 “ allegiance was a proper one, but that the
 “ bill including any test of opinion will
 “ relieve no man.” It is remarkable that you
 who charge the dissenters with being no
 friends to the freedom of the human mind,
 and have separated yourself from them,
 should be inclined to allow them such a lati-

* See letter to Sir George Savill, page 11.

tude,

tude, as to say, that their petition was a proper one, and that it would have had beneficial consequences. Would you have them tolerated without any test, while the scriptures remain required to be subscribed by the national clergy by law? or are you inclined to think that no test should be subscribed by the national clergy? To allow an unlimited liberty to the dissenters, who have separated from the church, more on matters of indifference than on reason,* might tend to affect their allegiance. They might consequently be lead by a publication of their principles to affect the civil government; at least, by making converts to those principles, they might encrease the enemies of the church, and adding to their strength as a tolerated body by weakening her power, they might, in the end, succeed in the entire destruction of *any* church but their own: It is the duty of the legislature to guard against this, until it may appear more for the honour of the nation to suffer a new church establishment. While the scriptures and prelacy continue to preserve the peace and harmony of society, there is no necessity that the legislature should open a way by an un-

* See Blackstone, book 4, cap. 4.

limited toleration for overturning either. To tolerate the dissenters, without any test whatever, would be to implant an establishment against the national church, in open opposition to it, instead of indulgently tolerating them publicly to worship their God with loyalty, lenity, and decency.

In a letter to the protestant dissenters, supposed to be written by you,* you say, that they have opposed aspiring and arbitrary princes to introduce a worse kind of tyranny, under the name of a republic, and you charge them with never meaning, by liberty, any thing more than the liberty of destroying the church of England, and setting up presbyterianism in its stead. If you be justified in treating the dissenters with this severity, it will appear that in contending against a test in their last bill, you did not mean that they in particular should be tolerated in the utmost freedom of error, or that it would do honour to the legislature to tolerate a body of people who (proceeding on a narrow and iniquitous principle that they are orthodox and all the

* See letter to protestant dissenters, published by Almon, pages 6 and 13.

world heterodox) denied toleration to one another. You contend for an unlimited toleration of the dissenters, not out of respect to them, but, that through such a toleration, you may publickly deliver opinions which you believe orthodox without the fear of the *Five Mile Act* or the *Act of Uniformity*.

This reminds me of a controversy, mentioned by Voltaire,* to have happened in Canton, where three men being brought before a mandarin, they requested of him a toleration to preach. The mandarin patiently heard them, one after the other, but finding them confused, contradictory, and virulent, he dismissed them, saying, " If you wish to
 " have your doctrine tolerated here, you
 " must first tolerate each other, and avoid
 " giving offence by your contention."

Now, Sir, you appear to contend for an unlimited toleration of all men, the dissenters in particular, whether they tolerate one another or not, in order, probably, that certain deists among them who are discontented with being deists in their hearts and closets, may be licenced to preach their deism in chapels

* On Toleration.

with a view to the conversion of others. But would it be consistent or honourable in the legislature to *tolerate* the *intolerant*, who complain of a test in the last dissenting bill?

That the roman catholics had been favoured by the legislature, was not altogether a reason why some shew of kindness should be made to the dissenters. The papists and presbyterians were opposite characters, and the same reason for tolerating the latter did not, could not prevail for tolerating the former, who, while they *civilly* as well as *spiritually* acknowledged a foreign power superior to the king of England were not entitled to toleration; as their mistaken zeal and domestic prejudices died away, by means of their improving discernment into their folly and impolicy, the legislature, experiencing their attachment to the state, and on condition of their taking and subscribing the oaths of *temporal* and *civil* allegiance and supremacy, properly repealed the penal laws, which were before in force against them, and which rendered them incapable, after the age of eighteen years, of inheriting lands by descent or purchase until they renounced their errors; for all real property being held by a fiction of law, mediately or immediately, of the king, it
would

would have been absurd to suffer persons to hold such property of him, who they did not allow to be supreme.* Experience correcting this error, and the catholics being made sensible that our constitution and laws wisely excluded all those from holding in fee simple any real property, who would not swear *temporal* and *civil* allegiance to the king, the legislature wisely passed over their seven sacraments, their transubstantiation, and their pope, as immaterial and contemptible, in their consequences to the welfare of the state.† In regard to the protestant dissenters, who,

* The word supreme is here made use of in a limited sense, and not an absolute one. A king of England being no otherwise supreme than as being the chief magistrate of the people.

† A society of protestants have objected to the indulgence shewn by the legislature to the papists by the repeal of the penal act of King William, and have assigned *their* reasons why that act should be restored. In their appeal, lately published, they say, that to accommodate the papists in the oath awarded by the repealing act; the words *ecclesiastical* and *spiritual* are omitted, and the words *temporal* and *civil* substituted, whereby they infer that the legislature have *designedly and publickly* recognized the *spiritual* and *ecclesiastical* power of the pope, and all in authority under him.

The

who, by the Toleration Act, are indulged with a distinct mode of worship, on taking the

The words *temporal* and *civil* are sufficiently copious — When the civil power is once established, and the throne constitutionally filled, it has nothing to fear from any spiritual power on earth. The papists, on swearing *temporal and civil* allegiance, become faithful subjects. The protestants commit no perjury by denying (on oath) a power in the pope *verbally*, which the legislature deemed too contemptible to introduce in an act of parliament; because the introducing words relating to such power would have rendered important, what, without it is sufficiently ridiculous and imaginary. The papists taking the oaths now required, may preach and teach what they please. — The laws provide against *their actions*, which are limited in common with the actions of other subjects. The complaints, therefore, of the society of protestants are ill-founded: they condemn the wisdom, the policy of the legislature, for making it the interest of men to be loyal, while they dare not be otherwise but at the risk of breaking the laws and suffering the consequences.

Whatever a fruitful imagination may suggest or invent as the possible effects of repealing the act of King William, it should be known that the iniquities of our ancestors should not be so visited on their children as to interrupt their liberty and happiness, when (unlike them) they glory in freedom, but dread persecution from *duty*; when, instead of betraying by their conduct a love of cruelty, all their actions prove them
good

the like oaths, and convening themselves publickly together; their complaints differed from the papists. They were liege subjects, and were under no material disabilities whatever: Their complaints at most were *spiritual*; the papists *substantial*. They had all the benefits of our civil constitution, with an indulgence in religious principles, for which, while they thought proper to enjoy it, they were only excluded from interfering in the affairs of the state. The papists are professedly the most rigid christians in christendom, whatever they may be in their hearts. No additional show of kindness, therefore, was due from the legislature to the dissenters, because their claim to it is founded on a fallacious principle, that is, the papists are christians, differing only in their mode of worship, and have been favoured on condition of taking the oaths of *civil* allegiance and supremacy, for which reason reluctant protestant dissenting *christians* say, they ought to be favoured either to be christians in all, or in part, or not at all, but to be public deists, as best agreed with *the caprice* of their intellectual liberty!

good subjects, under a constitution productive of that liberty and ease unknown in any country but England.

L

The

The petitioning the legislature for additional indulgence by a repeal of that part of the Toleration Act which requires them to subscribe the articles of religion, in consequence of the favour shown to the papists, the granting whereof was an acquisition to the state, was proper enough, but to complain that the scriptures are tendered as a substitute is extravagant. If the petition had succeeded, the dissenters would have enjoyed by their legal exemptions a freedom superior to either papists or national protestants. The legislature, therefore, prescribed a test, and the scriptures were ordained to be declared as a rule of doctrine and practice instead of the articles.

If the civil interests of society had not been affected and its peace disturbed by the dissenters, between the abolition of episcopacy in one reign and the restoration of it in another. If, indeed, puritanism had never been revived, after the contempt it met with from Elizabeth; and had the jealousy of regal power prevailed so far with the convention parliament as to make them restore Charles II. with strict limitation, there is no doubt but the establishment of presbyterianism

ism had been one of the conditions insisted upon, as more favourable to liberty, but in the hurry and urgency of the regal restoration, that jealousy vaped away, and episcopacy was restored with the rightful king. And notwithstanding the royal attention to the presbyterians afterwards, the mad enthusiasm of the fifth monarchy men, afforded a pretence to prove the dangerous spirit of that body, which, with their old demerits, seems to have created all the rigours against them, which are to be found in our statute books, and which were only mollified or suspended by the Toleration Act, on a reformation of their troublesome temper, and their proving themselves better subjects. To what cause then are we to attribute their late petition, praying further kindness from the legislature, and offering no test whatever but the oaths of allegiance and supremacy? Is it from their dislike to prelacy, which they once abolished, or from a detestation of the scriptures? Is it in order that they may be once more possessed of that republican liberty which limits the power of the crown and make episcopacy give way to presbyterianism? It cannot reasonably be the first, because, as a people, they can but be

happy under any government, and that they may be by toleration under prelacy. It cannot be the second, because there is nothing in the scriptures which a good and philosophical mind would refuse (what is not enjoined but required) a *formal* subscription to. It cannot be the third, because the power of the crown, though extended by means of prelacy, does not affect them particularly and only in common with other subjects; and neither of these causes being reasonable, it appears that they want a liberty to tyrannize over the other part of the community, in the end to be exerted, as circumstances and their own ambition may concur, to overturn all regal power, and to establish in its room a republican system as well of religious as civil government.

I argue but from appearances. If I am wrong in my premises, my conclusions will fall with my conjectures, and I shall have nothing but my apprehensions to plead as the cause of them. I do not write to you as a dissenter, because you have separated yourself from the body of dissenters on liberal and fair principles; as a body, you say, you detest them: Why then contend in their favour that any test of opinions in the
last

last bill respecting them is dishonourable to the talents of the nation? Are there a people in the community who, from their past conduct in church and state, (although since the revolution reduced in number) are less entitled to the toleration they sue for? I think not, and when you argue against any test whatever, I think it cannot be out of respect to them, but with a view to illustrate truth and do justice to the dignity of human nature.

If your principles towards so exalted an end should, from my humble arguments, appear to be false, I am sure you will not endeavour against reason and experience to support them; but divided as you are from the dissenters, and standing forward as it were alone in the community to preach virtue and morality on principles which all the world acknowledge, you will not contend for the unlimited liberty of the mind in a public sense, if it tend to do violence to the civil interests of society.

The arguments made use of for and against toleration by Cardinal Pole and Bishop Gardiner in the council of Queen Mary, were subtle and ingenious. The Cardinal,
(although

(although averse to the principles of those men) urged the wisdom of indulgence, he argued that intolerance defeated the end it was meant to promote. The bishop, on the contrary, maintained that as religion was not to be trifled with, it ought to be enforced with vigour and uniformity, and that toleration would create *indifference* to any religion. He prevailed over the Cardinal, (who reasoned from reason and philosophy) in the opinion of a bigotted Queen, and *persecution and cruelty was the immediate consequence.*

I hope I shall be understood not to favour toleration but as it respects the private conscience of individuals. Restraint and rigour when applied to suppress *spiritual tenets* (not flagrantly heretical and impious) will prove ineffectual, and tend only to make men more obstinate in their persuasion. The glory of martyrdom animates zeal, and the prospect of eternal rewards overpowers the dread of civil punishment. Extend, therefore, toleration to a sect; indulge them in their religious principles, but exempt them from government, and it is probable their hatred will relax, and their attachment to their particular mode of religion will abate. By
seeing

seeing their error they will prefer the occupations and pleasures of life to disputation, and turn from their folly to favour and advancement. Those men, however, who have a pleasure in their separate religious communions and delight in the principles by which they are governed, ought in justice and policy to remain undisturbed. Liberty of conscience (although admirers of religious tyranny, have called it a flagrant impiety, producing an indifference among all religions) should be enjoyed in peace and protection. It should not subject men to pains or disabilities beyond what relates to the government of that state of which they are members. No seperatist has cause to complain of his exemptions therefrom, or of his exclusion from benefiting by any place or office in an establishment, while he declines to comply with the fixt and known rules of it.

If an ecclesiastical establishment be necessary to the good of the community and useful to the purposes of government, the rules of it should be complied with: those rules form a test which, whosoever in conscience rejects, are conditionally tolerated in their seperation.

When-

Whenever it shall be discovered that uniformity in religion is unnecessary to the support of government, the state may open a door to the toleration of every sectary, and by having no church establishment hold out no test to any man or body of men; but so long as some public national religion *be* absolutely necessary and forms a part of our government, which it was thought to do by that great reasoner Lord Bacon, all who separate from it for *conscience* sake should be tolerated therein (but excluded from government) while their civil conduct is legal and constitutional; and thus it is with the dissenters who can suffer nothing in *conscience* by subscribing the scriptures, unless being deists they are restless and unhappy that they are not tolerated to be so by law. Such a toleration would virtually be to treat the christian establishment with public contempt; and the dissenters thus made licensed deists, would triumph over christians, whether protestants or papists, and ridicule their tenets as existing only in folly. The disorder and animosity likely to ensue from such a toleration ought to check the legislature from granting it, not so much out of respect to *the form of any religion*, as out of a tender regard to the actions of men,

men, which in any state can alone render it happy or miserable.

While you contend for *intellectual liberty*, *unrestrained in public*, and have protested against *all tests*, except the test of civil allegiance, I defend the former in private, and contend that if no test in religion ought to be required from one part of the community it ought not from another; and it must remain for futurity to determine whether the scriptures and the English liturgy shall or shall not be altered, or abolished in honour of the talents and abilities of the nation: At present and until then, if they hurt not the conscience of the national clergy, but are wholesome and beneficial to the community, I see no reason why a separate and distinct clergy should be tolerated without subscribing to them. It is of more consequence to the happiness of man that he study *all his own opinions*, and improve or change them by a *private and confidential avowal of them to others*, than it possibly can be to make all or any opinions objects of instruction to men in their public capacity. It is from hence that true happiness is said to be of a private and retired nature. Individuals may find it, or something like it, in themselves *separately* when they cannot find it from others; they will be happier

M

while

Whenever it shall be discovered that uniformity in religion is unnecessary to the support of government, the state may open a door to the toleration of every sectary, and by having no church establishment hold out no test to any man or body of men; but so long as some public national religion *be* absolutely necessary and forms a part of our government, which it was thought to do by that great reasoner Lord Bacon, all who separate from it for *conscience* sake should be tolerated therein (but excluded from government) while their civil conduct is legal and constitutional; and thus it is with the dissenters who can suffer nothing in *conscience* by subscribing the scriptures, unless being deists they are restless and unhappy that they are not tolerated to be so by law. Such a toleration would virtually be to treat the christian establishment with public contempt; and the dissenters thus made licensed deists, would triumph over christians, whether protestants or papists, and ridicule their tenets as existing only in folly. The disorder and animosity likely to ensue from such a toleration ought to check the legislature from granting it, not so much out of respect to *the form of any religion*, as out of a tender regard to the actions of men,

men, which in any state can alone render it happy or miserable.

While you contend for *intellectual liberty*, *unrestrained in public*, and have protested against *all tests*, except the test of civil allegiance, I defend the former in private, and contend that if no test in religion ought to be required from one part of the community it ought not from another; and it must remain for futurity to determine whether the scriptures and the English liturgy shall or shall not be altered, or abolished in honour of the talents and abilities of the nation: At present and until then, if they hurt not the conscience of the national clergy, but are wholesome and beneficial to the community, I see no reason why a separate and distinct clergy should be tolerated without subscribing to them. It is of more consequence to the happiness of man that he study *all his own opinions*, and improve or change them by a *private and confidential avowal of them to others*, than it possibly can be to make all or any opinions objects of instruction to men in their public capacity. It is from hence that true happiness is said to be of a private and retired nature. Individuals may find it, or something like it, in themselves *separately* when they cannot find it from others; they will be happier

M

while

while directed by the evidence of their own senses than when taught to be happy by others; and could the order of society be maintained without an hierarchy, religion might find an asylum in the bosoms of individuals, and there cherish virtue more fruitfully than in dividing her ministers into parties and sectaries; but until one universal religion shall prevail in the world, at least in distinct communities, whether founded in *philosophy or faith*; the weakness of human nature and the public happiness of men will require, as well some regulated mode of national ecclesiastical government, as the settlement of a civil polity, in which, while men offend not against the former, they may submit and teach what they please, and continue to do so as long as it may be convenient to their own purposes, or they may be encouraged by those they may assemble to hear their peculiar doctrines.

To avoid popular abhorrence, and out of respect to the good order of those societies of which they are members, men decline associating on all or any opinions publicly, well knowing that unless their public persuasions tended towards the general happiness of the state, all their endeavours to oppose
or

or deviate from its established religion would be idle and fruitless.

In England, liberty civil and religious is enjoyed to the fullest extent, and as much as it is possible for the welfare of society to allow; We have it in our power, as Sir William Blackstone says, to do every thing that a good man would desire to do, and are restrained from nothing but what would be pernicious either to ourselves or our fellow citizens; there is but one instance wherein the most tender conscience will find restraint, which is, when a man is not admitted to offices of public trust, but on condition of conformity.* He is not compelled

* Doctors Furneaux and Priestley, (who perhaps, without meaning them any offence, are part of that body of dissenters which, Mr. Williams says, have, instead of being friends to the freedom of the mind, only wished themselves at liberty) have sharply attacked certain *words* in the commentaries on the laws of England, and for reasons better understood by themselves than many of their readers appeared their bitter enemy.

See Letters to Sir W. Blackstone and his Answer to Priestley.

The author of a Fragment on Government, an able writer, has also followed the Doctors in their attack on Sir William Blackstone. He says, in effect, that the liberty of worshipping God without being obliged to declare a belief in the 39

elled to it, and if he will not conform to the test for the sake of *honour or profit*, he is at

articles, is a liberty that a "good man" would wish for and desire. (*Preface, page 30, 31, note (p)*). It is certainly possible that a good man may complain against the declaration of a belief in the articles, but may he not, if he desire to become a public character, declare such a belief without injury to himself, there being no oath required? Would he not be a good man for so doing? If not, there is no "good man" in the church of England, every man in that case, who has subscribed the articles, being a bad one—a *private* good man has ever been at liberty to worship his God, according to his conscience, without declaring a belief in the articles, but a man in presbyterian holy orders has not, until lately, the legislature having by an Act 19 George III. extended its indulgence, and tolerated the dissenters (those peaceable christians) to worship God, according to their conscience, on subscribing the scriptures instead of the articles; they yet complain that they are not tolerated to worship God according to their conscience, for that they are *unjustly required to subscribe the scriptures*.

The author of the Fragment charges Sir William Blackstone, with being a professed champion for *religious intolerance*, and openly setting his face against civil reformation (*Preface, page 26*) but bold as these charges are, they want the force of conviction beyond the opinion of the author, who, sensible of his weakness to "set up," says, that the business of his essay is "to overthrow." The truth appears to be this, Sir William Blackstone is an elegant writer, much read, and as much approved. In his commentaries on the laws respecting the dissenters, he is a severe goad in their

at liberty to refuse it. He only excludes himself from the church, by not subscribing the test, but he may do as he please so long as he do not treat it with contempt in public. The doctrine of universal morals and benevolence may be taught as you teach it. Schism is no ob-

their sides. In them he says, (*chap. 4, book 4*) "every thing is now as it should be," respecting heresy, and that "all of us have it in *our choice* to do every thing that a good man may desire to do, and are restrained from nothing but what would be pernicious to ourselves or our fellow subjects," (*See Preface to the Fragment, page 29, 30, note (o) (p).*)

These assertions of Sir William Blackstone are not to be denied, until their falsity be proved, which as the author of the Fragment has failed in, all his labour but illustrates what he has striven to condemn, or establishes what he has endeavoured to "overthrow." It checks the precipitancy of a reader's judgment on the commentaries, but while it brings him to deliberate upon the respective texts proposed from them, it brings him, much against the will and pleasure of the author of the Fragment, to admire rather than condemn them.

But as this work (which in its conclusion is called a tedious intricate war of words) teaches nothing, according to what the author makes an objector, say, it may be called a learned effort of the mind, a critical display of ingenuity, adding nothing to the reader's instruction or information, but undauntedly thrown in between the merits of the commentaries and the applause of their reader; of which it is manifestly jealous.

ject

ject of temporal coercion or punishment. The civil magistrate has nothing to do with men who, from weakness, perverseness, or a view of advantage, herd with a party, and a man will but be censurable when in violation of either civil or religious liberty, according to the national establishment and the constitution, he break those wholesome laws which are made in support of either.

As no man would willingly or philosophically do this, he certainly would not strike at *all* religions for the sake of establishing *none*, which he effectually would do were he to deny all publicly, and make philosophy the only religious regent in the vast domain of civil society. The few philosophers which all societies afford, will be happy with their own principles, but the people in their very nature would not be benefited by them were they disseminated. They require other objects of religious reverence than what they will be able to find in the delightful regions of philosophy.

Thus, Sir, do I submit my reasons for saying that Sir George Savile was right in asserting that there are some opinions and thoughts, meaning the public declaration and avowal of them which cannot be tolerated, (however suffered) instancing those of a right to plunder or murder, and that it is
not,

not, at present, dishonourable to the talents and abilities of the nation to pass the dissenting bill with the test of the scriptures.

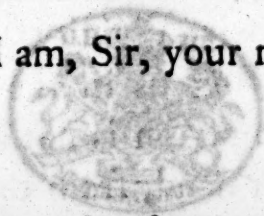
If I am fortunate enough, after the rather desultory manner in which I have deduced my arguments to be clearly understood, you will be sensible that I have written my sentiments as one philosopher writing to another, and concluding that intellectual liberty would be unaffected and unrestrained, even after subscribing the scriptures; and that any objection against subscribing them is immaterial, I think, for ought that at present appears to the contrary, that if any person decline them as a test, he would silently deny their divinity, hold them incapable of assisting us in the cause of virtue, and that such person is not a philosopher. On the other hand, from the evil tendency of tolerating all opinions to be taught, whether in favour of murder, plunder, or other pernicious actions, I also think no opinion should be publicly declared and taught by *toleration* unless the object of that opinion would promote some good. Suspecting, therefore, that no good would arise from publicly teaching all opinions, except those of true philosophy,* a religious test is pro-

* To restrain, the reasonings of philosophers would be of dangerous consequence to the sciences and the state,

properly held out by the legislature to the protestant dissenters.

In a word, having been thus deluded to launch out on a subject, which, when I first entered upon it, I did not suppose would have carried me further than a few pages, I hope, if you have followed me in all the turnings of my arguments, which I am conscious are defective, and if you be wearied by some of my sentiments or pleased with others, that you will excuse my absurdities, and candidly receive what I may have plausibly advanced, as the effusions of a mind strongly bent towards the discovery of truth, and humbly open to instruction and information.

I am, Sir, your most obedient servant,



M. D A W E S.

state, by paving the way to persecution in points where the generality of mankind are more deeply interested and concerned. The toleration of opinions in favour of murder, or plunder, or of all errors in the utmost freedom, would be very different from a toleration of philosophy. The former would be alluring to the people, but the latter, dealing not at all in *enthusiasm*, would be the reverse.

See Hume on Providence, 2 vol. 8vo. p. 157.

F I N I S.

